

separation, that individual may not elect an annuity commencing date that precedes separation from the re-employment service if he or she is re-employed prior to a postponed commencing date elected under paragraph (c) of this section.

[51 FR 47197, Dec. 31, 1986, as amended at 56 FR 65418, Dec. 17, 1991]

§ 842.205 Early retirement—major RIF, reorganization, or transfer of function.

(a) An employee other than an employee entitled to an annuity under § 842.207 or § 842.208, who separates from the service voluntarily after completing 25 years of service, or after becoming age 50 and completing 20 years of service is entitled to an annuity if, on the date of separation, the employee is—

(1) Serving in a position and in a geographic area designated by the Director of OPM or his or her designee; and

(2) Serving during a period in which the Director of OPM or his designee determines, in accordance with instructions issued under appendix E of FPM chapter 351, that—

(i) The employing agency is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

(ii) A significant percent of the employees serving in the employing agency will be separated or subject to a reduction in basic pay.

(b) Determinations of major reorganization, major reduction in force, or major transfer of function will be made by the Director of OPM or his or her designee only after receipt of a written request to make the determination from the head of the agency, or his or her designee.

§ 842.206 Involuntary retirement.

(a) An employee, other than an employee entitled to an annuity under § 842.207 or § 842.208, who separates from the service involuntarily after completing 25 years of service, or after becoming age 50 and completing 20 years of service is entitled to an annuity, except as provided in paragraphs (b) and (c) of this section.

(b) An employee who is separated for cause on charges of misconduct or de-

linquency is not entitled to an annuity under paragraph (a) of this section.

(c) An employee who would otherwise be entitled to an annuity under paragraph (a) of this section is not so entitled if the employee has declined a reasonable offer of another position that meets all of the following conditions:

(1) The offer must be made in writing;

(2) The employee must meet established qualification requirements; and

(3) The offered position must be—

(i) In the employee's agency, including an agency to which the employee would be transferred in a transfer of function(s) between agencies;

(ii) Within the employee's commuting area unless geographic mobility is a condition of the employee's employment;

(iii) Of the same tenure and work schedule; and

(iv) Not lower than the equivalent of two grades or pay levels below the employee's current grade or pay level, without consideration of the employee's eligibility to retain his or her current grade or pay under part 536 of this chapter or other authority. In movements between pay schedules or pay systems, the representative rate of the grade or pay level that is two grades below that of the current position will be compared with the representative rate of the grade or pay level of the offered position. For this purpose, "representative rate" has the meaning given that term in § 536.102 of this chapter.

(d) An annuity payable under paragraph (a) of this section commences on the day after separation from the service.

§ 842.207 Air traffic controllers.

(a) An employee who separates from service, except by removal for cause or charges of delinquency or misconduct, is entitled to an annuity—

(1) After completing 25 years of service as an air traffic controller; or

(2) After becoming age 50 and completing 20 years of service as an air traffic controller.

(b) An annuity payable under paragraph (a) of this section commences on the first day of the month following separation.